

December 10, 2012 – REGULAR MEETING

The Regular Meeting of the Town of Dickinson Town Board was called to order with the pledge of allegiance by Supervisor Michael A. Marinaccio at 6:01 PM on Monday, December 10, 2012 in the Town Hall, 531 Old Front St., Binghamton, NY.

The members of the Town Board present were:

**Michael A. Marinaccio, Supervisor
Danny F. Morabito, Councilman
Thomas J. Burns, Councilman
Stephen M. Gardner, Councilman
Sharon M. Exley, Councilwoman**

Also attending:

**Oliver N. Blaise III, Esq., Town Attorney
Wanda R. Broczkowski, Town Clerk**

SUPERVISOR'S REPORT

Supervisor Marinaccio gave his report for the month of December. His report will be placed on file. Here are some highlights:

- In regard to our Revision of the Employee Handbook, our last step was to meet with our two judges to review the employee status of our court clerks. That was done last week and we are now ready to complete the handbook and present it to the board for their review
- In regard to the letter I received from a Pulaski St. resident asking where the handicapped parking is for that street. Office of the Aging is investigating, but as of last Friday, they have been unsuccessful contacting the woman who wrote the letter. She stated that her landlord does not provide any parking. Further, within the town, we cannot allow parking on that particular street during winter months due to very unsafe conditions. While we do have some off street parking which is available for residents in that area is off of True St. We do not, as indicated by the person who wrote the letter, have available handicap parking on Sunset Dr.
- We received a check, instead of a credit, from the Binghamton/Johnson City sewage Plant for the amount of \$104,605. This check covers adjustments due to a formula flaw for 2008 through 2010. This revenue will go directly into our Sewer Account.
- Just a reminder that our Holiday Luncheon is this coming Wednesday, 12 noon.
- The next BMTS meeting is scheduled for December 17, 1:30PM, at the county office building.

- Our next quarterly meeting with the county executive is scheduled for Dec. 19, 4PM, at the county office building. This meeting involves all municipal supervisors and mayors.
- Supervisor Marinaccio received a letter from Broome Community College (BCC) inviting all Town of Dickinson residents to visit the BCC library to make use of their resources. By providing a driver's license, residents can become a community borrower.
- Supervisor Marinaccio attended the unveiling of the Two Rivers Greenway signs and design guide. This was held at the Broome County Library on Wednesday, December 5th. These signs will be posted along the Two Rivers Greenway which includes Otsiningo Park, Vestal, City of Binghamton and Tioga County Trails. Though the sign cost is to be shared by all involved municipalities which Dickinson is a member of, most of those costs may be absorbed through the efforts of the BMTS. More on this as we move forward with the project.
- The Supervisor hopes the board members reviewed the proposed holiday dates for 2013. We will be presenting meeting dates, holiday schedule, appointments, etc. at our January, 2013 organizational meeting.
- There was one (1) NYSEG warning letter issued due to an unpaid account.
- Code Violations issued - None.
- Dog Control Officer's report has been received. Barking complaints, strays, attacking dog, complaint that turned out to be not accurate, and defecating dog.

PUBLIC COMMENT

Supervisor Marinaccio welcomed 12 students from Chenango Valley School District who joined us from the Government Class to obtain class credits. He asked if anyone had any questions before we started. There were none. During the meeting the Supervisor and the Town Attorney often clarified various topics, their importance and procedures on matters.

APPROVAL OF MINUTES

On a motion by Councilman Gardner seconded by Councilman Morabito to approve the Work Session of November 5, 2012 and Regular Meeting Minutes of November 13, 2012. All in favor. Vote -5 Ayes, Nays-0.

ABSTRACT #12

Abstract Summary of Audited Vouchers for Funds in the amount of \$257,037.19. On Motion from Councilwoman Exley, seconded by Councilman Burns to approve. Vote Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye
 Councilman Morabito voting Aye
 Councilman Burns voting Aye
 Councilwoman Exley voting Aye
 Councilman Gardner voting Aye

Unanimously passed and noted as duly adopted.

ATTORNEY

RESOLUTION 2012-43

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilwoman Exley to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

Negative SEQRA declaration for Property Nuisance local law. The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Vote Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Aye
Councilwoman Exley voting Aye
Councilman Gardner voting Aye

All in favor: Resolution attached.

RESOLUTION 2012-44

The following Resolution was offered by Councilwoman Exley, who moved its adoption, seconded by Councilman Burns to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

Adopting Property Nuisance local law. This would be to commence legal proceeding against a property owner on criminal conduct. Officer Kathleen Newcomb represented the Broome County Sheriff's department on behalf of Captain Frederick Akshar II, of the Law Enforcement Division. Sheriff Harder responds to all calls and aware we have a particular place in the Town of Dickinson. A copy of the Local Law will be provided to Officer Newcomb for Sheriff Harder who will support this newly adopted Local Law. In discussing this, question was, were we doing this because of a particular house? Yes, but to qualify the question, we want and need to protect all of the residents from absentee landlords. Supervisor Marinaccio thanks all for their hard work and patience. Also, we have had areas like Brandy Wine Heights as another example. The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Vote Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Aye
Councilwoman Exley voting Aye
Councilman Gardner voting Aye

All in favor: Resolution attached.

RESOLUTION 2012-45

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilman Morabito to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

Negative SEQRA declaration for implementation of updated sewer regulations. The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Vote Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Aye
Councilwoman Exley voting Aye
Councilman Gardner voting Aye

All in favor: Resolution attached.

RESOLUTION 2012-46

The following Resolution was offered by Councilman Burns, who moved its adoption, seconded by Councilwoman Exley to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

Adopting implementation of updated sewer regulations. The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Vote Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Aye
Councilwoman Exley voting Aye
Councilman Gardner voting Aye

All in favor: Resolution attached.

UNIFORM TRAFFIC TICKET WITH VILLAGE

Attorney Blaise met with Chief Krause and Constable Kie. Revisions to the uniform ticket will be reviewed by Mr. Blaise. He will get to this by this week or next week due to his law firm offices moving to their new permanent offices.

**SCHEDULING PUBLIC HEARING & SUBMISSION OF 239 TO COUNTY FOR
DEFINING EDUCATIONAL AND RELIGIOUS USES IN AN R-1 ZONE**

Code Enforcement officer, Rafferty and Attorney Blaise sat down and reviewed this. It was posed as what do we want to do with our zoning ordinances. The committee did a really nice job on the accessory uses.

The accessory use defined in residential districts. Attorney Blaise can circulate to the specially formed resident committee. We narrowed it down more for the residential settings. Changes in the zoning ordinance require it to go to the County, since the Board wants to move forward for scheduling it at the January meeting. Code Enforcement Officer Rafferty recommended we need to update the Schedules before it goes to the County. Pending any County changes, then there is a 30 day window to hear back from them which they are usually fairly responsive.

CHAIR

BCC SMOKING ISSUE

This issue is continuing. They probably will come up with an on campus smoking area. We should hear something in January.

FLOW MANAGEMENT - UPDATE

Engineer for the Town, Ron Lake is still working on it and have a proposal to have several towns included Conklin, Dickinson, Kirkwood, Port Dickinson and Town of Binghamton. We will move forward with this.

FLAP GATE PROJECT

So far the headwall has been installed except for the flap-gate which will be installed this coming Spring 2013. Photos were passed around.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

1. Highway Commissioner Kie presented the 2013 schedule for the collection of yard waste, leaf pickup and snow removal procedures. They will receive it in their home mail prior to the mid-January postage rate increase.
2. A special day to drop off large items will be scheduled in 2013.
3. It was listed in the Press that the last brush and leaf pickup was to be November 19th. Since residents still have leaves out for pickup. Mr. Kie will have the crew go around to these random streets.

4. Status of revisions to contract with village for Wayne Avenue pump station- Danny Miller of the Water Department and Engineer Ron Lake – contract change to Mr. Blaise for review.
5. Danny Miller of the water department wants the board to think about a business delinquent with their water bill and owes the Town \$35K. He recommends we vote to shut off their water service. Councilman Morabito asked what the process would be. If it is unpaid for one (1) year, then we could begin the process. Beverly Wike will be asked to forward the information to Mr. Blaise and he will review the situation. We do not want to shut off the service, but they must pay. Ron Lake and Steve Rafferty we all OK with this.

PLANNING BOARD

None

ZONING BOARD

None

CODE ENFORCEMENT

None

CHAIR

Supervisor Marinaccio requested the board to begin thinking about the 2013 Town newsletter by the January meeting. He will direct Beverly send out a notice to all Department heads. He also commented on our Town of Dickinson Website and encouraged residents refer to it as those residents who have, found it to very helpful. Residents utilized the supervisor question link to submit a questions which the Supervisor responds to.

Resident Jim Love of Orchard road asked what the states plan is regarding Route 17 and Future 86 lights on the new portion of road. He stated it is poorly lit and quite hazardous after dark. Supervisor Marinaccio has to meet with Tom Williams of the DOT and will bring this up with him at that time.

The Board convened into executive session regarding a personnel matter regarding a specific employee.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 6:55 PM

Respectfully submitted,

Wanda R. Broczkowski